

Ed P. Watson

Senfronia Thompson

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By ~~Ball of Harris~~

21 B. No. 143

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Private Employment Agency Regulatory Board and to the scope of coverage of the Texas Private Employment Agency Law and rendering impermissible the knowing employment or referral of illegal aliens and establishing a maximum fee to be charged certain applicants; and amending Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-6, Vernon's Texas Civil Statutes), as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 2, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

Section 2. The provisions of this Act shall not apply to agencies engaged solely in the procurement of employment for public school teachers and administrators; the provisions of this Act shall not apply to any employment agency established and operated by this state, the United States government, or any municipal government of this state; the provisions of this Act shall not apply to any person who may operate a labor bureau or employment office in conjunction with his own business for the sole and exclusive purpose of employing help for his own use within or without this state, nor to any common carrier operating in this state who may operate an employment office in conjunction with his own business for the exclusive purpose of employing help for his own use within or without this state, provided that no fee or other charge or reduction is exacted from the salary or wages of the worker for employment given. If a fee or charge of any kind, either directly or indirectly is

exacted from a worker, then said employer is deemed a private employment agency and is subject to the provisions of this Act. The provisions of this Act shall not apply to farmers or stock raisers acting jointly or severally in securing laborers for their own use in this state where no fee is charged or collected, either directly or indirectly for employment given; the provisions of this Act shall not apply to persons acting for members of their own family. The provisions of this Act shall not apply to any person, corporation, or charitable association chartered under the laws of Texas for the purpose of conducting a free employment bureau or agency, nor to any veterans' association or organization or labor union; nor to any nurses' organization operated and conducted by registered nurses for the enrollment of its professional members only for the purpose of providing professional service to the public; the provisions of this Act shall not apply to a labor agency engaged exclusively in the business of procuring common laborers or agricultural workers for employers or any person engaged exclusively in the business of procuring or attempting to procure jobs for common laborers or agricultural workers [~~;-the-provisions-of-this-Act-shall-not apply-to-any-person-conducting-a-business-which-consists-of employing-individuals-directly-for-the-purpose-of-furnishing part-time-or-temporary-help-to-others~~].

Sec. 2. Subsections (c), (d), and (e), Section 3, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-6, Vernon's Texas Civil Statutes), as amended, are amended to read as follows:

(c) To be qualified for appointment as a member of the board, a person must be a citizen of the United States and a resident of Texas [~~and-shall-have-been-engaged-in-the-private employment-agency-business-as-an-operator-owning-an-interest-in a-private-employment-agency-in-the-State-of-Texas-for-a-period of-five-years-next-preceding-the-date-of-his-appointment~~].

(d) The board shall be composed of:

(1) three members who at the time of their appointment

operate private employment agencies, one of which shall be an agency in which not more than eight persons are engaged in the operation thereof and such agency is not, directly or indirectly, a part of a multiple-office or franchise operation; one of which shall be an agency in which more than eight persons but not more than 25 persons are engaged in the operation thereof and such agency is not, directly or indirectly, a part of a multiple-office operation or of a franchise operation. For the purpose of this subsection agencies belonging or subscribing to a referral system shall not be considered as a multiple-office franchise operation because of such membership in or subscription to such referral service:

(2) three members broadly representative of the general public;

(3) three members broadly representative of businesses and industries regularly utilizing the services of private employment agencies, at least one of whom shall be the chief personnel officer of a large business or industrial concern [The Board shall be composed of four members who at the time of their appointment operate an agency which is a part of a multiple-office or franchise operation; five members who at the time of their appointment operate an agency which is a single office operation. Not more than one person from any one multiple-office or franchise operation may serve on the Board simultaneously. For the purpose of this section agencies belonging or subscribing to a referral system shall not be considered as a multiple-office or franchise operation because of such membership in or subscription to such referral service].

(e) Except for the initial appointees, the members of the board hold office for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate

three for terms expiring on January 31, 1979 [~~1971~~], three for terms expiring on January 31, 1981 [~~1973~~], and three for terms expiring on January 31, 1983 [~~1975~~]. The governor shall make the appointments in such a way that the term of one member from each of the three major categories described in Subsection (d) of this Section expires every two years. [~~If any member of the board ceases to own an interest in a private employment agency, he automatically vacates his office, which shall be filled by appointment as in the case of other vacancies.~~]

Sec. 3. Section 13, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-6, Vernon's Texas Civil Statutes), as amended, is amended by adding Subsection (e) to read as follows:

(e) It shall be grounds for license suspension or revocation if a private employment agency licensed under this Act knowingly employs or refers for employment any person whose presence in the United States or acceptance of employment in the United States constitutes a violation of any federal legislation or regulation governing immigration and naturalization. Such conduct by a private employment agency seeking a license under this Act shall be grounds for denial of a license.

Sec. 4. Subsection (a) of Section 15, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949 (Article 5221a-6, Vernon's Texas Civil Statutes), as amended, is amended to read as follows:

(a) The board is authorized to establish and promulgate a schedule of permissible maximum fees allowed to be charged to applicants by private employment agencies in the performance of their services. With respect to applicants whose agreed annual gross earnings are \$8,000.00 or more, an agency shall not be permitted to charge that applicant a fee greater than 8% of his agreed annual gross earnings nor shall the board authorize the imposition of a fee exceeding that maximum. Fees which may be

charged applicants whose agreed annual gross earnings are less than \$8,000.00 shall be on a graduated scale, none exceeding 8% of agreed annual gross earnings, to be established by the Board.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

H. B. No. 143

By a. Hall

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the Texas Private Employment Agency Regulatory Board and to the scope of coverage of the Texas Private Employment Agency Law and rendering impermissible the knowing employment or referral of illegal aliens and establishing a maximum fee to be charged certain applicants;...

NOV 29 1976

1. Filed with the Chief Clerk.

JAN 17 1977

2. Read first time and Referred to Committee on Business & Industry

3. Reported favorably (as amended) and sent to Printer at \_\_\_\_\_ M.  
(time)

4. Printed, distributed and sent to the Committee on Calendars at \_\_\_\_\_ M.  
(time)

5. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

6. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-record vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

7. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

8. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

9. Caption ordered amended to conform to body of bill.

10. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-record) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

11. Ordered Engrossed at \_\_\_\_\_ M.  
(time)

12. Engrossed.

13. Returned to Chief Clerk at \_\_\_\_\_ M.  
(time)

14. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

15. Received from the House \_\_\_\_\_

16. Read, referred to Committee on \_\_\_\_\_

17. Reported favorably \_\_\_\_\_

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by \_\_\_\_\_  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 22. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 23. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 24. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 25. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 26. Returned to the House.

\_\_\_\_\_ 27. Received from the Senate (with amendments).

\_\_\_\_\_ 28. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 29. Conference Committee Ordered.

\_\_\_\_\_ 30. Conference Committee Report Adopted (Rejected) by a (Non-record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 31. Ordered Enrolled at \_\_\_\_\_ : \_\_\_\_\_ M.  
(time)